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In re Application of Chi Lung NGAN  
Application No.: 10/736,586  
Filing Date: December 17, 2003  
Attorney Docket No.: 7307-1  
Title of Invention:  
MAGNETIZED CARD HOLDER

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: DECISION ON PETITION  
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: Date Mailed: March 9, 2005

This is a decision on the petition filed February 15, 2005, requesting that the publication fee paid on February 15, 2005 be refunded.

On March 24, 2004, the Office mailed a filing receipt to notify the applicant that the above-identified application is scheduled to be published under 35 U.S.C. 122(b). The application published on December 30, 2004.

On February 15, 2005, *inter alia*, the present petition, including a copy of a stamped post card receipt and a copy of a nonpublication request that includes a certification under 35 U.S.C. 122(b)(2)(B)(i) was filed. Petitioner alleges that the original nonpublication request was filed with the application papers for the above-identified application on December 17, 2003. To support his allegation, petitioner provides a true copy of the originally-filed nonpublication request and a copy of the post card receipt.

Upon review of the Office record for the above-identified application, the alleged originally-filed nonpublication request was not in the application file. The copy of the post card receipt submitted by the petitioner as *prima facie* evidence of receipt in the Office of the alleged originally-filed nonpublication request shows a list of the contents of the application papers and a nonpublication request under 35 U.S.C. 122(b)(2)(B)(i). The post card receipt also shows an "Office Date" stamp of December 17, 2003.

In view of the above, the petition is granted to the extent that the publication fee paid on February 15, 2005 will be refunded.

The \$300.00 publication fee, which has been charged to counsel's deposit account, will be credited to counsel's Deposit Account No. 19-2105.

Telephone inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Tammy Koontz  
Manager, Pre-Grant Publication Division  
Office of Patent Publication